

CHRIS KERN

DEATH PENALTY: THE GILMORE CASE GOES ON

ANNCR:

THAT AMERICAN MURDERER WHO WANTS TO BE EXECUTED IS GOING TO HAVE TO WAIT A LITTLE LONGER TO FIND OUT IF HIS REQUEST IS GOING TO BE GRANTED. CHRIS KERN HAS DETAILS IN THIS BACKGROUND REPORT.

VOICE:

UTAH CONVICT GARY GILMORE WAS THIRTY-SIX YEARS OLD ON SATURDAY, MUCH TO HIS DISMAY.

GILMORE HAS BEEN WAITING TO BE EXECUTED BEFORE A FIRING SQUAD FOR A MURDER HE COMMITTED LAST JULY. HE INSISTS THAT HE HAS ACCEPTED HIS DEATH SENTENCE AND THAT HE RESENTS EFFORTS BY OPPONENTS OF CAPITAL PUNISHMENT TO PREVENT THE SENTENCE FROM BEING CARRIED OUT. BUT THE ATTEMPTS TO SAVE HIM HAVE GONE ALL THE WAY NOW TO THE U.S. SUPREME COURT, WHICH HAS POSTPONED HIS EXECUTION -- ORIGINALLY SCHEDULED FOR SUNRISE MONDAY -- UNTIL IT CAN CONSIDER A PETITION MADE ON BEHALF OF HIS MOTHER THAT ARGUES THAT GILMORE IS NOT MENTALLY COMPETENT TO WAIVE HIS LEGAL RIGHTS TO FURTHER DELAY.

THE STRANGE CASE OF GARY GILMORE HAS SERVED TO FURTHER CONFUSE THE LEGAL STATUS OF CAPITAL PUNISHMENT IN THE UNITED STATES. THERE HASN'T BEEN AN EXECUTION HERE FOR NINE YEARS NOW, BUT FIVE MONTHS AGO, THE SUPREME COURT RULED THAT NOTHING IN THE CONSTITUTION PROHIBITS THE DEATH PENALTY AS LONG AS CERTAIN PROCEDURAL SAFEGUARDS ARE OBSERVED IN SENTENCING.

THE COURT'S RULING SEEMED TO RESOLVE THE DEATH PENALTY ISSUE ONCE AND FOR ALL. A NUMBER OF AMERICAN STATES ALREADY HAD DEATH

PENALTY STATUTES THAT APPEARED TO MEET THE SUPREME COURT'S REQUIREMENTS, AND THEY WERE SET TO BEGIN CARRYING OUT EXECUTIONS IMMEDIATELY. BUT OPPONENTS OF CAPITAL PUNISHMENT HAVEN'T GIVEN UP. THE MAJOR EFFORT THAT IS BEING MOUNTED ON BEHALF OF GARY GILMORE IS DESIGNED TO RAISE THE ISSUE ONCE AGAIN, AND IT HAS SUCCEEDED MORE SPECTACULARLY THAN ITS SPONSORS COULD HAVE ANTICIPATED.

GARY MARK GILMORE HAS ALREADY BEEN CONVICTED OF ONE COMPLETELY UNPROVOKED KILLING AND HE HAS CONFESSED TO ANOTHER. HE HAS EXPRESSED NOTHING BUT CONTEMPT FOR THE EFFORTS TO PREVENT HIS EXECUTION, AND WHEN THEY HAVE BEEN SUCCESSFUL, HE HAS NOT BEEN ABOVE TAKING MATTERS MORE DIRECTLY INTO HIS OWN HANDS. SO FAR, HIS EFFORTS HAVE INCLUDED SWALLOWING POISON THAT WAS SMUGGLED INTO PRISON BY A GIRLFRIEND, YANKING OUT THE INTRAVENOUS TUBES THAT WERE KEEPING HIM ALIVE WHILE HE WAS IN THE HOSPITAL FOLLOWING THE SUICIDE ATTEMPT AND GOING ON A HUNGER STRIKE.

THE STATE GOVERNMENT OF UTAH NOW FINDS ITSELF IN THE EXTRAORDINARY POSITION OF HAVING TO TAKE SPECIAL PRECAUTIONS TO PREVENT GILMORE FROM CARRYING OUT HIS SUICIDAL INTENTIONS WHILE SIMULTANEOUSLY ARGUING BEFORE THE SUPREME COURT THAT IT SHOULD BE PERMITTED TO PUT HIM BEFORE A FIRING SQUAD.

THE OUTCOME OF THE GILMORE CASE MAY AFFECT THE FATE OF ALMOST FIVE HUNDRED OTHER CRIMINALS WHO ARE UNDER DEATH SENTENCE IN THIRTY OF THE FIFTY AMERICAN STATES. IT'S IMPOSSIBLE TO PREDICT NOW WHETHER THOSE WHO OPPOSE CAPITAL PUNISHMENT WILL BE SUCCESSFUL IN THEIR ATTEMPT TO PREVENT ANY EXECUTION FROM TAKING PLACE, BUT THEY HAVE CERTAINLY SUCCEEDED IN REOPENING THE ISSUE TO CONSIDERABLE DOUBT.